

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 24-cv-24112-FAM

JAMES WATSON

Plaintiff,

v.

GARCIA & SANCHEZ-GARCIA, D.M.D., P.A.,  
d/b/a Miami Designer Smiles

Defendant.

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**JOINT MOTION FOR APPROVAL AND ENTRY OF CONSENT DECREE  
AND TO DISMISS ACTION WITH PREJUDICE**

Plaintiff, James Watson and Defendant, Garcia & Sanchez-Garcia, D.M.D., P.A. d/b/a Miami Designer Smiles by and through the undersigned counsel, hereby move for the Court's approval and entry of the attached Consent Decree and for the dismissal of this action with prejudice.

1. This is an action under Title III of the Americans with Disabilities Act, 42 U.S.C §12181 *et seq* ("Title III" of the "ADA"). The website at issue is found at: <https://miamidesignersmiles.com>.

2. The matters raised by Plaintiff's complaint have been resolved in accordance with the Consent Decree attached hereto as Exhibit "A".

3. The Parties agree and submit that the attached Consent Decree is fundamentally fair, adequate and reasonable to improve website access for persons with disabilities and otherwise meets the purpose of Title III of the ADA.

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4. The Parties respectfully request that the Court review, approve and ratify the Consent Decree.

5. As part of the Parties' settlement embodied by the Consent Decree, the Parties have agreed to a dismissal of this action with prejudice, with such dismissal being conditioned on the Court retaining jurisdiction to enforce the Consent Decree. Accordingly, the Parties request, upon the Court's review, approval and ratification of the Consent Decree, that the Court dismiss this action with prejudice and reserve jurisdiction to enforce the Consent Decree.

6. Except as otherwise stated in the Consent Decree and Confidential Fee and Cost Agreement, the Parties shall bear their own respective fees and costs.

WHEREFORE Plaintiff, James Watson and Defendant, Garcia & Sanchez-Garcia, D.M.D., P.A. d/b/a Miami Designer Smiles, respectfully requests that the Court grant the instant motion, enter an order as follows:

- a) approving and entering the attached Consent Decree;
- (b) dismissing the action with prejudice;
- (c) retaining jurisdiction to enforce the Consent Decree; and
- (d) granting such additional relief as the Court deems just and proper.

Respectfully submitted this December 11, 2024.

<p>By: <u>/s/ J. Courtney Cunningham</u> J. Courtney Cunningham, Esq. FBN: 628166 <b>J. COURTNEY CUNNINGHAM, PLLC</b> 8950 SW 74<sup>th</sup> Court, Suite 2201 Miami, Florida 33156 T: 305-351-2014 <a href="mailto:cc@cunninghampllc.com">cc@cunninghampllc.com</a> <a href="mailto:legal@cunninghampllc.com">legal@cunninghampllc.com</a></p> <p><i>Counsel for Plaintiff</i></p>	<p>By: <u>/s/John J. Quick</u> John J. Quick, Esq. FBN: 648418 <b>Weiss Serota Helfman Cole &amp; Bierman, P.L</b> 2800 Ponce de Leon Blvd., 12th Floor Coral Gables, Florida 33134 Tel: 305-854-0800 <a href="mailto:JQuick@wsh-law.com">JQuick@wsh-law.com</a></p> <p><i>Counsel for Defendant</i></p>
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 11, 2024, an electronic copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system which will send notice of electronic filing to all parties and Counsel of record.

By: /s/ J. Courtney Cunningham  
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